

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

SHANNON D. HAMILTON, #2023355 §
VS. § CIVIL ACTION NO. 6:15cv899
ANDERSON COUNTY SHERIFF'S §
OFFICE, ET AL. §

ORDER OF DISMISSAL

Plaintiff Shannon D. Hamilton, an inmate previously confined in the Anderson County Jail, proceeding *pro se* and *in forma pauperis*, filed this civil rights lawsuit against the Anderson County Sheriff's Office and the Anderson County Jail. The lawsuit was referred to United States Magistrate Judge K. Nicole Mitchell, who issued an order to Hamilton to pay an initial partial filing fee of \$2.00 on October 16, 2015. To date, he has not paid the initial partial filing fee. On December 9, 2015, Magistrate Judge Mitchell issued a Report and Recommendation to dismiss the lawsuit because Hamilton failed to comply with the order to pay an initial partial filing fee of \$2.00. In response, Hamilton filed a motion for an extension of time to pay the initial partial filing fee, which was granted. Nonetheless, he still has not paid the initial partial filing fee. On January 25, 2016, he submitted an *in forma pauperis* data sheet (docket entry #23) revealing that he had deposits totaling \$40 in November 2015 and \$2.45 in December 2015. He thus received \$42.45 since the initial partial filing fee order was issued; nonetheless, he chose not to pay the initial partial filing fee. The case should be dismissed for want of prosecution and failure to obey an order.

The Report of the Magistrate Judge, which contains proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration, and no objections thereto having been timely filed, the Court is of the opinion that the findings and

conclusions of the Magistrate Judge are correct, and adopts same as the findings and conclusions of the Court. The Court notes that to the extent that Hamilton's motion for an extension of time, motions for leave to proceed *in forma pauperis* and motion to waive initial partial filing fee may be construed as objections, they lack merit and are overruled. It is therefore

ORDERED that the Report and Recommendation (docket entry #12) is **ADOPTED**. It is further

ORDERED that the complaint is **DISMISSED** without prejudice for want of prosecution and failure to obey an order. Fed. R. Civ. P. 41(b); Rule 41, Local Rules for the Eastern District of Texas.

It is finally

ORDERED that all motions not previously ruled on are **DENIED**.

It is SO ORDERED.

SIGNED this 5th day of February, 2016.



Michael H. Schneider
MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE